

# **SB 727 (2024) 169- Day School Calendar Provisions Guidance**

## Legislation

Senate Bill 727 (SB 727, 2024) established additional school calendar provisions that may impact certain local education agencies (LEAs). The legislation created two new provisions:

- 169-Day Calendar Incentive Payment
- 169-Day Calendar Requirements in Certain LEAs

The common thread of 169 days in each provision may generate some confusion. The purpose of this guidance document is to outline each provision individually and provide further information on these new statutory provisions.

## 169-Day Calendar Incentive Payment

SB 727 established an incentive provision for LEAs to provide a school year of at least 169 days:

**Section 163.045. Additional state aid for 169 school days or more — moneys used for teacher salaries only.** — 1. Notwithstanding any provision of law to the contrary, in addition to all funds distributed to school districts pursuant to the provisions of [Section 163.031](#) the department of elementary and secondary education shall, after rendering all calculations required pursuant to the provisions of such section, remit an amount equal to one percent for fiscal years 2026 and 2027, or two percent for fiscal year 2028 and all subsequent fiscal years, of each district's preceding year's annual state aid entitlement as calculated in June in accordance with the provisions of such section for any district with a preceding year school term that provided for one hundred sixty-nine school days or more. For districts in which one or more charter schools operate, and for all charter schools located therein, the department shall, after rendering all calculations required pursuant to the provisions of [Section 163.031](#) and [Section 160.415](#) remit an amount equal to one percent for fiscal years 2026 and 2027, or two percent for fiscal year 2028 and all subsequent fiscal years, of each district's and charter school's preceding year's annual state aid entitlement as calculated in June, prior to any required adjustment pursuant to subsections 4 and 15 of [Section 160.415](#) for any district or charter school with a preceding year school term that provided for one hundred sixty-nine school days or more.

2. Any funds received as provided in this section shall be used by school districts and charter schools exclusively to increase teacher salaries. Any school district or charter school that receives funds as provided in this section but fails to utilize such funds solely to increase teacher salaries shall have an amount equal to the amount of such funds received withheld from such district's or charter school's state aid payments pursuant to the provisions of [Section 163.031](#) or [160.415](#).

This provision was effective on August 28, 2024. As a result, the 2024-25 school calendar will be used to determine eligibility for the incentive payment in Fiscal Year 2026. The incentive structure is as follows:

School Calendar Year	Incentive Payment
2024-25	1% in Fiscal Year 2026
2025-26	1% in Fiscal Year 2027
2026-27 and beyond	2% in Fiscal Year 2028 and beyond

Each school calendar year is evaluated independently. LEAs do not have to earn the 1% incentive to be eligible for the 2% incentive in a future year.

The amount of the incentive payment will be based off the June state aid payment transmittal in the school calendar year in which the LEA provides 169 days of instruction. For example, the June 2025 state aid payment will dictate the amount of the incentive payment in Fiscal Year 2026. The payments will be made in the fall of each year. The payment does not require an individual state appropriation since it is encompassed within the structure of the foundation formula. However, the increased call on the formula created by the incentive payment could result in a lower State Adequacy Target (SAT) in the year in which the payment is made, depending upon the overall foundation formula appropriation. The incentive payment will be calculated as follows:

LEA Type	Payment Calculation
Districts	1% or 2% of the Line 17 amount in the June foundation formula payment
Charter Schools	1% or 2% of the Line 21 amount multiplied by formula WADA

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### *Other Considerations Regarding the 169-Day Calendar Incentive*

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- Instruction must be provided on 169 unique school days for the incentive to be awarded.
- Weather forgiveness provisions do not apply in a manner that allows for fewer than 169 days for the purpose of the incentive payment.
- There is no minimum day length in the current statutes governing school calendars, so late start or early dismissal days for weather or other reasons count towards the required number of days.
- For LEAs with an approved Alternative Method of Instruction (AMI) plan, days in which AMI is utilized count towards the 169-day requirement. AMI days can
  - replace the planned hours of instruction for the day in which it is utilized, limited to 36 hours of AMI during a school year.
  - be modified to six hours per day in order to fully utilize 36 hours of available AMI over six days during a school year.
  - replace five days of planned instructional hours, with any remaining hours applied to a partial sixth day up to the 36 hour school year limit.
- Each student attendance calendar in an LEA, regardless of grade span, that generates Average Daily Attendance (ADA) for the foundation formula must meet the 169-day requirement for the LEA to be eligible for the incentive.

- The additional funds received must be used to increase teacher salaries. Required increases in salaries will be monitored based on total Teacher's Fund salary expenditures in the instructional function codes reported on the Annual Secretary of the Board Report (ASBR). See Appendix A for the applicable function and object codes.
- ASBR expenditures in the codes listed in Appendix A will be compared year to year to determine if salaries increased by at least the incentive amount. LEAs reducing teacher staffing levels due to declining enrollment may need to submit additional documentation for verification.
- MOSIS Educator Core data may also be utilized to verify compliance. In some cases, additional data may be requested from the LEA.
- Failure to use the additional funds for teacher salary enhancements in any given year will result in a withholding of foundation formula funds for the amount of the incentive payment in the following year.

## 169-Day Calendar Requirement

SB 727 also created a new calendar requirement for certain school districts to maintain a 169-day calendar unless local voters approve by ballot for the district to operate a four-day school week. This requirement takes effect July 1, 2026, which will impact the 2026-27 school year and beyond. The provisions of this requirement are outlined through several sections of the Missouri Revised Statutes.

**160.011. Definitions, certain chapters. (9) "School term"**, a minimum of one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to [Section 171.031](#) during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district, and, for a school district that is located wholly or partially in a county with a charter form of government or a school district that is located wholly or partially in a city with more than thirty thousand inhabitants, a minimum of one hundred sixty-nine school days, as that term is defined in [Section 160.041](#), unless the district has adopted a four-day school week as provided in [Section 171.028](#), in which case the district school term shall have a minimum of one hundred forty-two school days, as such term is defined in [Section 160.041](#). A school term may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in [Section 160.539](#) may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment aligned with the student's career academic plan for a total of the required number of hours as provided in this subdivision;

**160.041. School day, school month, school year, defined — reduction of required number of hours and days, when. — 1.** A "school month" consists of four weeks of five days each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week. The term "school day" shall mean any day in which, for any amount of time, pupils are under the guidance and direction of teachers in the teaching process. The "school year" commences on the first day of July and ends on the thirtieth day of June following.

**171.027. Four-day school week vote, exception for certain districts (Clinton County R-III and Lathrop R-II).** — Any provision of state law that requires a school district to conduct an election of the voters of the school district in order to adopt a four-day school week shall not apply to any school district that had a four-day school week in the 2023-24 school year and that contains all of a city with more than two thousand one hundred fifty but fewer than two thousand four hundred inhabitants and is located in a county with more than nineteen thousand but fewer than twenty-two thousand inhabitants and with a county seat with more than two thousand two hundred twenty but fewer than two thousand five hundred inhabitants.

**171.028. Four-day school week, charter counties and certain cities — ballot language — filing calendar with department.** — 1. The school board of a school district that is located wholly or partially in a county with a charter form of government, or located wholly or partially in a city with more than thirty thousand inhabitants, may establish a four-day school week in lieu of a five-day school week for the 2026-27 school year and all subsequent school years only as permitted pursuant to the provisions of this section. Nothing in this section shall be construed to apply to any district other than a school district that is located wholly or partially in a county with a charter form of government or a school district located wholly or partially in a city with more than thirty thousand inhabitants.

2. (1) A school board may adopt the provisions of subsection 1 of this section by referring to the qualified voters of the school district a ballot measure authorizing the same. Such proposal shall be referred to the qualified voters of the school district upon a majority vote of the members elected to the school board. Upon such adoption by the school board, the measure shall be submitted to the qualified voters at the next date available for public elections pursuant to [chapter 115](#) and by July first of the school year in which the four-day school week is proposed to commence. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the measure, then the provisions of subsection 1 of this section shall become effective. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the measure, then the board shall not adopt the provisions of subsection 1 of this section unless and until the measure is resubmitted pursuant to this subsection to the qualified voters and such question is approved by a majority of the qualified voters voting on the measure.

(2) The question submitted by the school board pursuant to this subsection shall be in substantially the following form:

"Shall the school board of \_\_\_\_\_ adopt the provisions of Section 171.028, RSMo, establishing a four-day school week for the next ten years in the district of \_\_\_\_\_?"

☐ YES

☐ NO

3. Upon adoption of a four-day school week, any school district that adopts a four-day school week shall file a calendar with the department of elementary and secondary education in accordance with [Section 171.031](#). Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two school days, as the term school days is defined in [Section 160.041](#), and a minimum of one thousand forty-four hours of actual pupil attendance hours during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district, pursuant to the provisions of [Section 171.031](#).

*Note: the above provision of statute took effect on August 28, 2024, allowing for ballot measures to approve modified calendars prior to the remaining requirements of this provision taking effect.*

**171.031. Board to prepare calendar — minimum term — opening dates — exemptions.**

— 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, days of planned attendance, and providing a minimum term of at least one thousand forty-four hours of actual pupil attendance, and, for a school district that is located wholly or partially in a county with a charter form of government or a school district that is located wholly or partially in a city with more than thirty thousand inhabitants, a minimum of one hundred and sixty-nine school days, unless the district has adopted a four-day school week as provided in [Section 171.028](#), in which case the district school term shall have a minimum of one hundred forty-two school days. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of [Section 171.033](#). In school year 2019-20 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of [Section 171.033](#), with no minimum number of make-up days.

**171.033. Make-up of hours lost or cancelled — exemption, when — waiver for schools, granted when — make-up hours not required for exceptional or emergency circumstances — half-day education programs.** — 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, excessive heat, flooding, or a tornado.

2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum school term as provided in [Section 171.031](#) except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.

4. The commissioner of education may provide, for any school district that cannot meet the minimum school calendar requirement as provided in [Section 171.031](#), upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather or fire.

This set of provisions interact to establish the requirements for certain districts beginning July 1, 2026.

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#### *Other Considerations Regarding the 169-Day Calendar Requirement*

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- The 169-day calendar requirement only applies to school districts partially or wholly within a county with a charter form of governance, or partially or wholly within a city with a population greater than 30,000 (now referred to as covered districts). A preliminary list of covered districts can be found in Appendix B. This may not be a comprehensive list. Districts with questions regarding their status may contact their Area Supervisor for assistance.
- Covered districts must request voter approval for an alternate calendar prior to July 1 of the school year in which they intend to initiate the alternate calendar.
- Covered districts without voter approval must establish a calendar of at least 169 days for the 2026-27 school year and beyond.
- Covered districts seeking voter approval for an alternate calendar should consult with their school attorney regarding the proposed ballot language.
- Once voters approve a ballot measure for an alternate calendar, the district must annually establish calendars consistent with that ballot language with a minimum of 142 days.
- School resources can be used to inform patrons but not advocate regarding the school calendar ballot measure, similar to bond and operating levy ballot issues.
- Covered districts are subject to both school day and school hour weather make-up provisions. As such, they must make up the first six weather days and half of the next eight days, as well as the first 36 weather hours and half of the next 48 hours. As a general rule, meeting the weather day make-up provisions will result in meeting the weather hour make-up provisions at the same time.
- Failure to meet the minimum school calendar requirements will result in a loss of state aid per Section 163.021, RSMo.

## Appendix A: Teacher Salary Expenditure Codes Used for Calendar Incentive Payment Verification

Function	Function Code Description	Object	Object Code Description
1111	Elementary	6111	Certificated - Regular Salaries
1131	Middle/Junior High	6121	Certificated - Part-Time Salaries
1151	Senior High	6122	Certificated - Other Part-Time Salaries
1191	Summer School (Regular)	6131	Certificated Supplemental Pay
1192	Juvenile Program		
1193	Alternative Programs		
1194	Residential/Treatment Facilities		
1195	Virtual Instruction		
1211	Gifted & Talented		
1221	Special Education and Related Services		
1223	Coordinated Early Intervening Services		
1224	Proportionate Share Services		
1251	Supplemental Instruction		
1252	Migrant		
1253	Institutions for Adjudicated Students		
1254	Institutions for Neglected Students		
1271	Bilingual		
1281	Early Childhood Special Education		
1311	Agricultural Education		
1321	Business Education		
1331	Family Consumer Sciences Education		
1341	Health Sciences Education		
1351	Marketing and Cooperative Education		
1361	Trade and Industrial Education		
1371	Project Lead the Way		
1381	Career Education Special Populations		
1391	Other Career Education (Non-Program)		
1411	Student Activities		
1421	School-Sponsored Athletics		
1491	Other Student Activities		



## Appendix B: Preliminary List of Districts with 169-Day Calendar Requirement

Name	District Code	Wholly or Partially in a City of 30,000 Inhabitants	Wholly or Partially in a Charter Form of Government County
AFFTON 101	096-098		X
BAYLESS	096-099		X
BLUE SPRINGS R-IV	048-068	X	X
BRENTWOOD	096-101		X
Cape Girardeau 63	016-096	X	
CARL JUNCTION	049-132	X	
CENTER 58	048-080	X	X
CLAYTON	096-102		X
Columbia	010-093	X	
CRYSTAL CITY 47	050-013		X
DESOTO 73	050-014		X
DUNKLIN R-V	050-005		X
EXCELSIOR SPRINGS 40	024-089		X
FERGUSON-FLORISSANT R-II	096-089	X	X
FESTUS R-VI	050-006		X
FORT OSAGE R-I	048-066	X	X
FOX C-6 SCHOOL DISTRICT	050-012		X
FRANCIS HOWELL R-III	092-088	X	X
FT. ZUMWALT R-II	092-087	X	X
GRAIN VALLEY R-V	048-069	X	X
GRANDVIEW C-4	048-074	X	X
GRANDVIEW R-II	050-002		X
HANCOCK PLACE	096-103		X
HAZELWOOD	096-088	X	X
HICKMAN MILLS C-1	048-072	X	X
HILLSBORO R-III	050-003		X
INDEPENDENCE 30	048-077	X	X
JACKSON R-II	016-090	X	
Jefferson City	026-006	X	
JEFFERSON CO. R-VII	050-007		X
JENNINGS	096-104		X

Name	District Code	Wholly or Partially in a City of 30,000 Inhabitants	Wholly or Partially in a Charter Form of Government County
Joplin Schools	049-148	X	
KANSAS CITY 33	048-078	X	X
KEARNEY R-I	024-086		X
KINGSTON K-14	110-014		X
KIRKWOOD R-VII	096-092		X
LADUE	096-106		X
LAWSON R-XIV	089-080		X
LEE'S SUMMIT R-VII	048-071	X	X
LIBERTY 53	024-090	X	X
LINDBERGH SCHOOLS	096-093		X
LOGAN-ROGERSVILLE PUBLIC SCHOOLS	039-139	X	
LONE JACK C-6	048-075	X	X
MAPLEWOOD-RICHMOND HEIGHTS	096-107		X
MEHLVILLE R-IX	096-094		X
MERAMEC VALLEY R-III	036-126	X	X
MID-BUCHANAN-R-V	011-078	X	
MISSOURI CITY 56	024-091		X
NELL HOLCOMB R-IV	016-097	X	
NORMANDY SCHOOLS COLLABORATIVE	096-109		X
NORTH KANSAS CITY 74	024-093	X	X
NORTH ST. FRANCOIS CO. R-I	094-083		X
NORTHWEST R-I	050-001		X
OAK GROVE R-VI	048-070	X	X
ORCHARD FARM R-V	092-091	X	X
PARKWAY C-2	096-095	X	X
PATTONVILLE R-III	096-090		X
PLATTE CO. R-III	083-003		X
RAYMORE-PECULIAR R-II	019-142	X	
RAYTOWN C-2	048-073	X	X
REPUBLIC PUBLIC SCHOOLS	039-134	X	
RITENOUR	096-110		X
RIVERVIEW GARDENS	096-111		X
ROCKWOOD R-VI	096-091	X	X
SMITHVILLE R-II	024-087		X

Name	District Code	Wholly or Partially in a City of 30,000 Inhabitants	Wholly or Partially in a Charter Form of Government County
SPECL. SCH. DST. ST. LOUIS CO.	096-119	X	X
Springfield R-XII	039-141	X	
ST. CHARLES R-VI	092-090	X	X
St. Joseph	011-082	X	
St. Louis City	115-115	X	
STRAFFORD PUBLIC SCHOOLS	039-137	X	
SUNRISE R-IX	050-009		X
UNIVERSITY CITY-	096-112	X	X
VALLEY PARK	096-113		X
WASHINGTON	036-139		X
WEBB CITY	049-144	X	
WEBSTER GROVES	096-114		X
WENTZVILLE R-IV	092-089	X	X
WILLARD	039-133	X	
WINDSOR C-1	050-010		X